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LOS ANGELES, CALIFORNIA 90230

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(310) 645-6460

LAC

January 17, 2003

Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Re: U.S. Patent Application Serial No. 09/735,342
for Heat Protective Cover System for Hot Water Pipes

Dear Sir:


The applicant in the above-identified patent application is herewith filing a petition to revive an abandoned patent application, a supporting declaration and a response to the Office Action dated April 9, 2002.

It is believed no fee is required for the submission of this petition, since any error does not rest on the part of the applicant.

Please charge any additional costs or credit any overpayment to Deposit Account No. 19-0258.

Dated: January 17, 2003

Respectfully submitted,


ROBERT J. SCHAAP
Registration No. 20,577
Attorney for Applicant
(818) 346-6555

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JAN 24 2003

OFFICE OF PETITIONS



S. Little
2-5-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#4/petition
Review
w/Decl.

IN RE APPLICATION OF:)
GABRIEL V. LECHUGA)
SERIAL NO.: 09/735,342)
FILED: DECEMBER 12, 2000) GROUP ART UNIT NO. 3752
TITLE: HEAT PROTECTIVE COVER)
SYSTEM FOR HOT WATER)
PIPES)
EXAMINER: JAMES F. HOOK)

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PETITION TO REVIVE AN ABANDONED PATENT APPLICATION

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

Inasmuch as the applicant had not received any communication from the U.S. Patent and Trademark Office, the applicant's undersigned representative did contact the U.S. Patent and Trademark Office on a few occasions, starting many months ago. Unfortunately, none of the phone calls were returned. The applicant was attempting to determine the status of this application, but was effectively unable to determine the status since there were no return phone calls. In fact, attached is a copy of a memorandum to file reporting an attempt to contact the Examiner for this application.

In November 2002, the undersigned representative of the applicant personally attempted to contact the Examiner, in order to determine the status of this application. The undersigned was advised that the application became abandoned by virtue of a failure to respond to an Office Action dated April 9, 2002. It is indeed unfortunate that this application has become abandoned, inasmuch as if the U.S. Patent and Trademark Office had responded in August, the applicant could have filed a prompt response.

Nevertheless, the undersigned attorney requested a copy of the Office Action dated April 9, 2002, inasmuch as the same had never been received in this office. Upon receiving that Office Action, the undersigned immediately started preparation of this Petition to Revive.

Enclosed is a copy of the memorandum to file prepared by Liliana Cancino of this office, which shows a call to the Patent Office on August 6, 2002. Indeed, Ms. Cancino called at even earlier dates, but no return call was ever received.

In particular, that Office Action dated April 9, 2002, was not received in this office. This office maintains a dual docket system in which to identify all due dates. Enclosed are copies of docket sheets for the months of May, June and July, 2002, showing that there was no entry of this particular Office Action.

The undersigned attorney of record has carefully examined the file of this particular application, and indeed, has examined the files of the other applications for Plumberex Specialty Products,


the assignee of the instant application, in order to insure that the Office Action was not placed in the wrong file. The investigation reveals that the Office Action was not received.

The applicant can state in fact that this application covers subject matter now involved in a U.S. District Court civil action in Boston, Massachusetts. This application constitutes very important subject matter to the applicant, and would never have been abandoned intentionally. Indeed, it is the applicant's intent to continue with the prosecution of this application. To this end, the applicant has enclosed that Amendment A in response to the restriction requirement.

An early revival of this application is therefore respectfully solicited.

Dated: Jan 15, 2003

Respectfully submitted,


ROBERT J. SCHAAP
Attorney for Applicant
Registration No. 20,577
(818) 346-6555

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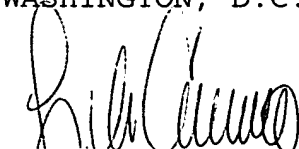
JAN 24 2003

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: COMMISSIONER OF PATENTS AND TRADEMARKS, WASHINGTON, D.C. 20231 on 1/17, 2003.


(Signature)

Date of Signature: 1/17, 2003

D:\Data\Lechuga\09735342\Petition to Revive

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MEMORANDUM

TO: File

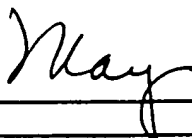
FROM: Liliana

RE: Plumberex Application Serial No. 09/735,342

DATE: August 6, 2002

Left Meassage for Examiner James Hook at 703-308-2913. Telling him that I was calling to check status on application serial no. 09/735,342.

(703) 305-3028
(703) 30
(703) 308-3028

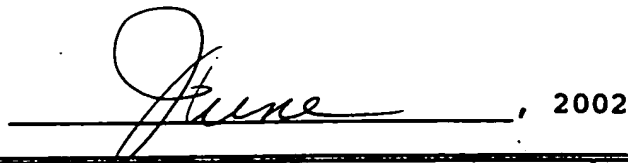


2002

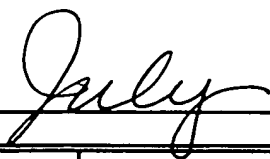
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